



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

May 3, 2024

Application granted.

VIA ECF

Hon. Ronnie Abrams  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2203  
New York, New York 10007

SO ORDERED.

Hon. Ronnie Abrams

May 6, 2024

**Re: *New York Immigration Fund, LLC v. Mayorkas, et al.*, No. 24 Civ. 2617 (RA)**

Dear Judge Abrams:

This Office represents the defendants (the “government”) in this action, in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate a Form I-196F, Application for Approval of an Investment in a Commercial Enterprise, either through a Writ of Mandamus or under the Administrative Procedure Act (“APA”). The response to the complaint is due on June 28, 2024.

On April 12, 2024, Your Honor entered an Order and Notice of Initial Conference, directing the parties to submit a joint letter addressing specific matters and a proposed Case Management Plan and Scheduling Order by May 3, 2024, and setting an Initial Status Conference on May 10, 2024. When attempting to prepare the joint letter and comply with Your Honor’s order, I called plaintiff’s counsel’s office four times and sent an e-mail, but was unable to speak with plaintiff’s counsel of record because he is no longer employed with Klasko Immigration Law Partners, LLP, or any other attorney or receptionist at the firm.

Today, this Office learned that USCIS approved the application at issue on April 26, 2024. Consequently, the government’s position is that this matter is moot. Because the application at issue has been approved, and because plaintiff’s counsel of record no longer works for the law firm that represents the plaintiff, the government respectfully requests that the Initial Status Conference scheduled for May 10, 2024, be cancelled and that the joint letter, Case Management Plan, and proposed Scheduling Order be adjourned *sine die*. The government further requests that the Court permit it to submit a status report by May 17, 2024, advising as to whether it has been able to reach counsel for plaintiff to resolve this matter, or if instead court intervention is required.

I thank the Court for its consideration of this request.

Respectfully submitted,

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cc: Counsel of record (via ECF)